

ORIGINAL

James K. Smith  
Executive Director  
Federal Regulatory

SBC Telecommunications, Inc.  
1401 I Street, N.W.  
Suite 1100  
Washington D.C. 20005  
Phone 202 326-8883  
Fax 202 408-4801



EX PARTE OR LATE FILED

RECEIVED

MAR 08 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

March 8, 2000

Ms. Margalie Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Ex Parte Statement,**  
**CC Docket No. 99-200 (Numbering Resource Optimization)**

Dear Ms. Salas:

SBC respectfully submits the following reply to an Ex Parte filed with the FCC on January 26, 2000 by the State Coordination Group (SCG) on numbering issues. The Ex Parte reflected discussions which the SCG had with the Commission Staff on January 20, 2000.

Generally, these comments address the part of the Ex Parte that dealt with changes proposed by the SGC; specifically, the concept that the states may change numbering guidelines as "local conditions dictate."

The FCC is on the threshold of issuing the most significant order in the history of the North American Numbering Plan (NANP) affecting number administration. The anticipated decision on the Notice of Proposed Rulemaking, in CC Docket No. 99-200, represents the culmination of over three years of study, research, planning and negotiation by the Commission, the industry, and public interest groups from across the country. A benchmark of that planning effort is an underlying, fundamental principle long espoused by the FCC, to wit:

"A nationwide, uniform system of numbering, necessarily including allocation of NPA and CO code resources, is essential to efficient delivery of telecommunications services in the United States."<sup>1</sup>

<sup>1</sup> Second Report and Order and Memorandum Opinion and Order, In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, release date August 8, 1996, (FCC 96-333) (11 FCC Rcd 19392), para 320.

No. of Copies rec'd 012  
List ABCDE

The Commission reiterated its position regarding the need for national uniformity in number administration in its "Pennsylvania" order on number administration:

"If each state commission were to implement its own NXX code administration measures without any national uniformity or standards, it would hamper the NANPA's efforts to carry out its duties as the centralized NXX code administrator. In that event, the NANPA would have the potentially impossible task of performing its NXX code administration and area code relief planning functions in a manner that is consistent with both Commission rules and industry guidelines, as well as fifty-one different regimes for overall NXX code administration."<sup>2</sup>

In addition, in the Commission's recent actions delegating limited numbering authority to several states, the Commission clearly stated: "...decisions in the *Number Resource Optimization* proceeding ...will establish national guidelines, standards and procedures..."<sup>3</sup>

SBC participated in the evaluation of the proposed state modifications as a member of a NANC, Issue Management Group (IMG). This evaluation was discussed in detail at the February NANC meeting. Attachment 1 is a copy of this evaluation as well as the transmittal letter to the NANC prepared by the IMG. SBC endorses the evaluation of the IMG.

In this reply, SBC asks the FCC to focus on one key proposed SCG change <sup>4</sup>in the guidelines, which change states:

"This document contains guidelines which are not binding on each state. When a state commission determines or a state industry planning group recommends that the unique facts or the public interest in a particular state so require, the state commission may deviate from the guidelines as it deems appropriate and consistent with FCC policies."<sup>5</sup>

This proposed change to the guidelines strikes against the FCC's longstanding principle of uniformity in number administration. The SCG group suggestion that any state may change the pool administrator guidelines as they "deem appropriate" poses the real possibility of having different number administration processes in the States. In the

---

<sup>2</sup> Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717 and the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, CC Docket No. 96-98; NSD File No. L-97-42, released September 28, 1998, (FCC 98-224) (13FCC Rcd 19009).

<sup>3</sup> In the Matter of Petition of the Public Utility Commission of Texas for Expedited Decision for Authority to Implement Number Conservation Measures, CC Docket 96-98; DA No. 99-2636; NSD File No. L-99-55, released November 30, 1999 (1999 FCC LEXIS 6086), para 2.

<sup>4</sup> Most of the other proposed changes are addressed in SBC's comments to the FCC's NPRM.

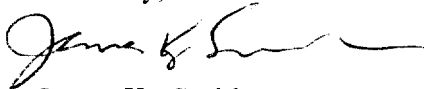
<sup>5</sup> Paragraph 1.0 of the SCG revision to the INC Pooling Guidelines

States served by Southwestern Bell Telephone, Pacific Bell and Ameritech, three States are actively pursuing the implementation of number pooling under authority delegated from the FCC. Illinois is using guidelines materially identical to the INC approved guidelines. Texas is proposing to use the modified guidelines proposed by the SCG. California is proposing a hybrid of the national guidelines, the SCG Guidelines, as well as changes unique to California. Three States with three different set of guidelines is or should be an unacceptable result.

Beginning in March of 1999, the NANC initiated intensive contract negotiations with Neustar Corp. to serve as the national pool administrator. The basis of these negotiations were the requirements detailed in the INC Pool Administration guidelines. At the February NANC, the Council adopted without dissent the pool administrator contract and referred this recommendation to the FCC. The approved contract is based on the INC approved Pool Administrator ("PA") guidelines. Allowing any party to arbitrarily modify the INC PA guidelines threatens to undo the recommended contract and to delay implementation of pooling on a national basis.

SBC requests that the Commission reaffirm its long-standing requirement that number administration be performed on a uniform basis throughout the NANP. SBC encourages the SCG to present its proposed changes to the INC for full consideration and evaluation. Changes made on a piecemeal basis, as proposed by the SCG, threatens to undermine the value derived from thousand block number pooling, as well as to delay the implementation of a national roll-out of thousand block pooling.

Sincerely,



James K. Smith

cc: Yog Varma  
Diane Harmon  
Tejal Mehta  
Trina M. Bragdon  
State of Maine Public Utilities Commission

Mr. Larry Strickling  
Chief, Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

Dear Mr. Strickling:

During 1998, the North American Numbering Council (NANC) developed requirements for the proposed Thousand Block Pooling Administrator and conveyed a draft of the requirements document to the Commission as part of NANC's NRO Report in October 1998. Subsequently, the NANC worked closely with the Industry Numbering Committee (INC) to develop a set of uniform national guidelines for the pooling administrator position. Following this, NANC endorsed the guidelines.

On January 20, 2000, the State Coordination Group filed an *ex parte* communication with the Commission in CC Docket No. 99-200 recommending certain modifications to the guidelines for the pooling administrator. NANC asked its Pooling Administration Issue Management Group to prepare a response to this *ex parte* communication and discussed the issue at its February 2000 meeting.

The purpose of this letter is to provide this background and inform you that the NANC has not developed a consensus response to the *ex parte* communication. Due to the limited amount of time before the Commission is expected to issue an order in CC Docket No. 99-200, we do not anticipate providing a response prior to the order.

In view of these developments, NANC has determined the following:

- NANC has not modified its position on the pooling administrator guidelines;
- NANC will continue to discuss the issues raised in the *ex parte* filing and report future consensus positions to the Commission;
- NANC encourages state and consumer interests on NANC to present these proposed modifications of the guidelines at future INC meetings; some industry members on NANC offered to assist state and consumer interests with the process.

Sincerely,



John R. Hoffman  
NANC Chair

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

<b>Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)</b>	<b>Guideline Section</b>	<b>NPRM Reference</b>	<b>Impact to PA Requirements</b>	<b>Impacts to SP</b>
Guidelines not binding on a state, state or state industry planning group may deviate from guidelines as deemed appropriate and consistent with FCC policies	1.0	Yes; ¶35	Major - Modification and changes to the guidelines on a state by state basis will minimize any efficiency previously gained by operating under one common set of guidelines. It may ultimately increase costs substantially for the PA system and PA operations	Major In general: different state implementations will be a major impact to carriers
Resources to be administered by state commissions/FCC -	2.1	General issue in NPRM	Major - Unknown impact Need further clarification	Major
Possible sequential number assignments - requires SP to assign out of a given block, ignoring customer requests	2.7 (d)	Yes; ¶190	None if no PA enforcement Major if PA enforcement	Major—customer choice needs to be supported- customer will shop for numbers
State PUC part of SP auditing process - enables state regulators to do auditing	2.9	Yes; ¶88	Unknown impact additional clarification on PA involvement - potential major; do not know audit process. PA is doing for cause application audits—anything beyond that application would be more work. Also applies to designated auditor	Unknown – type, frequency, and how consistent among state, how will states be involved

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
Removed requirement for “minimum” block application information Clarification from Trina: States want to be sure that they can get any information that they need. All consistent with what FCC final rules. I.E. if FCC final order like interim orders—requirements can be different in every state.	3.4		Major – Clarification required for full impact to be determined. Additional information may be required—not sufficient info to determine impact. If the info is uniform nationally and as specified—no change if its not specified-- unknown	Major: If different for every state.
Added requirement for compliance with any properly imposed fill rate for block requests. Clarification from Trina: “properly imposed” means pursuant to authority delegated from the FCC	4.3 (c)	Yes; ¶63	Major - If varies by state. Also minimizes efficiencies gained. Also is the PA to validate or wait for other party to validate before assignment	Major- (subset of 3.4) if different validation requirements or a range of utilization
Added SP must abide by all regulatory requirements	4.4 (d)	Yes; ¶92	Unknown – Need further clarification on requirement. Who does the enforcement?	Unknown- SP already abide by regulatory requirements.
PA subject to review and oversight by state PUC	5.0		Major It would appear that the PA activities may be subject to review and oversight by 50 states in addition to the FCC. What does this entail and is it consistent between states?	Unknown – until that oversight is defined. No impact to SP interfaces

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
PA to work with state PUC and CO Code Admin on NPA relief	5.1.1 (d)	See CO Guidelines	Minor as long as a separate PA person not needed at every NPA relief meeting Medium to major if separate additional PA person required	No impact
PA database to be accessible to state PUC	5.1.1 (j)	Yes; ¶78	Unknown – additional details on requirement necessary to determine impact	Unknown- appears to be minor impact for SP
PA to generate 1k forecast using SP forecasts and utilization data obtained by PA, state PUC or NANPA	5.2 (a)		Major This not currently addressed under PA. This is similar to the COCUS replacement model	Major if the SP has to submit more data than COCUS0 cost impact
Added PA to require state certification and interconnection arrangements before assigning block to SP	5.3 (b)	Yes; ¶59	Major PA currently does not enforce interconnection arrangements	Requiring interconnection arrangement in place before getting numbers is a major impact
PA may be required to provided SP specific data to auditor or regulatory process	5.6		Unknown – need additional information to assess.	Unknown- don't know if this allows additional data or is just pooled data. Minor impact if PA is handing over already collected data. Confidentiality of the data is a major concern
Require SP quarterly forecast reporting on Jan 1, April 1, July 1, and Oct. 1	6.0	Yes; ¶ 77 “tentatively conclude” need for quarterly reporting	Major- may have minimal gains from a PA perspective – COCUS reporting	Major – with minimal gains- COCUS reporting. NANC recommended that COCUS be done 2 times a years
PA to adjust forecast report quarterly, report to be based on 3 months of data.	6.1.1	Yes; ¶77	Major - may have minimal gains from a PA perspective	Major – with minimal gains- COCUS reporting. NANC recommended that COCUS be done 2 times a years

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
Added SP penalty for forecasts that are 30 percent + above actual utilization for 3 quarters or more – State PUC to determine punishment	6.3	Yes; ¶192	Major if PA has to do enforcement also undermine PA ability to keep pools full	Major
Reduced PA industry pool inventory to 6 months	8.0	Yes; ¶192	Minor	None to minor. <sup>1</sup>
Reduced PA minimum inventory level to 3 months	8.0 (d)	Yes; ¶192	Minor	Major—takes more than 3 months to activate numbers—so pool will be short of number blocks
PA and State PUC determine implementation timeline- SP's submit input	8.1	Yes; ¶146	Minor	Major
PA industry pool established with 6 month inventory	8.1 (f)	Yes; ¶192	Minor	None to minor.
Removed industry consensus from 1 <sup>st</sup> Implementation meeting requirement	8.2.2		Minor	Major
Changed process for PA scheduling of 1 <sup>st</sup> Implementation meeting	8.2.2		Minor	Minor
SP's can only retain 6 month inventory	8.2.5 (a)	Yes; ¶192	Minor to none	None to minor impact.
SP's can only retain blocks if technically impossible	8.2.5 (b)		Minor to none - Who enforces?	Unknown- Who determines what's "technically impossible"
Changed industry inventory level to 6 months to determine pool surplus or deficiency	8.2.6	Yes; ¶192	Minor to none.	None to minor impact

<sup>1</sup> GTE is concerned that a six month inventory for the pooling administrator or for the service provider inventory could lead to a number shortage in the pool and that any change to these timeframes should be addressed after pooling is in place nationally for 6-9 months.



## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
Changed SP inventory requirement to 6 months at block donation/pool start date	8.2.7	Yes; ¶192	Minor to none.	None to minor impact.
Deviations to 66 day NXX opening will be determined by state PUC – attempt to keep interval not less than 30 days	8.2.7		Unknown – need clarification. Does this mean that you need state approval before you can expedite an NXX code opening?	Major impact – does this mean that you need state approval before you can expedite an NXX code opening?
Ongoing PA pool inventory to be not more than 6 months	8.3	Yes; ¶192	None.	None to minor impact.
SPs to “voluntarily” return surplus inventory over 6 months supply. This entire section is already part of the guidelines, the only change was from 9 to 6 months – states did not introduce the idea of “voluntarily” returning blocks	8.4.3	Yes; ¶192	Minor as long as PA does not have to do enforcement Major if the PA has to do enforcement	None to minor impact.
PA to analyze SP forecasts to maintain 6 month inventory	8.4.4	Yes; ¶192	Minor	None to minor impact.
PA to apply for NXX only when inventory will exhaust in 6 months	8.5.1	Yes; ¶192	Minor	SP impact only when customer has request for entire NXX code
LERG Assignee NXX application to have 6 month history /projected demand	8.5.2	Yes; ¶192	Minor	Already required- months- to-exhaust worksheet
Requests for NXX include 6 months of growth/projected demand	8.5.3	Yes; ¶192	Minor	Already required with resource application - Months-to-exhaust worksheet
Can't request block assignments more than 6 months in advance	9.1	Yes; ¶192	Minor	Major- switch vendors build routing tables for new switches in advance of switch implementation

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
PA must rather than may review block application for "reasonableness"	9.3.1	Yes; ¶61	Minor	No impact
Growth NXXs, SP must certify that exhaust in 6 months	9.3.4 (a)	Yes; ¶192	None	No impact except when you have specific customer requests for entire NXX
SP must provide specific technical limitation associated with block request and provide supporting documentation	9.3.4 (b)		Unknown – need additional information on the requirement	Unknown- it is dependant on how its implemented
SP must place assigned block into service in 6 months or will start to reclaim This language was already in place, states only changed start date of process from 9 to 6 months.	9.3.10	Yes; ¶98	Minor	Unknown
State PUC has authority to order NANPA or PA to reclaim blocks/NXXs "pursuant to any authority delegated to the states by the FCC"	10.0	Yes; ¶100	Minor	Unknown
If SP not put block into service can request 90 day extension	10.1.4	Yes; ¶ 99 FCC recommends only 60 days	Minor	Minor
When PA starts reclaim SP has 10 days to contact PA must also copy State PUC on all associated documents	10.2.3		Unknown – need additional clarification on requirement	Major impact if 10 days is the timeframe— 10 days not enough time in the business process. No impact to copy to State PUC
In jeopardy situations industry pool inventory reduced to 3 months	11.1.1	Yes; ¶192	Minor	Major- can't get new NXXs activated in 3 months

## IMG Analysis of 1-20-00 State Coordination Group Proposed Changes to INC Pooling Guidelines

Proposed Change/Modification to the INC 1k Pooling Administration Guidelines (Dec. 1999)	Guideline Section	NPRM Reference	Impact to PA Requirements	Impacts to SP
In jeopardy SP certify exhaust in 3 months	11.1.1 (c)	Yes; ¶192	Minor	Major- if can not get new NXXs activated in 3 months
PA shall work with the..... state PUC.	11.1.2 (a)		Unknown - need clarification of requirement	No impact
In jeopardy, PA "in conjunction with the state regulatory commission and/or its consultants will: implement each thousand block pooling conservation procedure as required; and notify the affected parties and the CO Code Administrator of the implementation.	11.1.2 (b)		Unknown – need clarification of requirement	No impact
PA has priority treatment in jeopardy lottery	11.3		None to Minor	No impact on carriers participating in the pool Major impact to Carriers not participating in pool
Added statement: "Any audit guidelines adopted or referenced herein will in no way impede a state's ability to conduct its own for cause or random audits of SPs."	12.0		Minor - if no PA involvement, otherwise may be major.	No major impact